

ON THE ARGUMENT AGAINST ABORTION FROM AFRICAN NORMATIVE PERSONHOOD

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Abstract

One influential understanding of the African normative conception of personhood says that humans have moral status because they have the capacity for sympathy. It is tempting to think that this account of moral status forbids abortion because fetuses have the potential for the capacity for sympathy, which guarantees them a right to life. I outline the strongest possible argument along these lines before observing that it faces some serious challenges. First, it does not do enough to explain why the mere potential for the capacity for sympathy is valuable. Second, it fails to explain why partial moral status guarantees a fetus the right to life in all circumstances unless an extreme form of pacificism is assumed. Third, it does not do an adequate job of explaining the moral status of either disabled fetuses or adult humans who will never have the potential for the capacity for sympathy. I conclude that it is doubtful that any account of African personhood will be able to successfully show that abortion is *always* impermissible.

Keywords: Personhood, Abortion, Molefe, Sympathy, Potentiality.

Introduction

In contemporary African moral philosophy, discussion of normative personhood often takes center stage. This concept is not about what makes a person part of the human species (e.g., certain genetic

material), nor is it about what constitutes personal identity over time (e.g., psychological continuity). Instead, it is a success term, which means that it is something that can be earned. Understood as an agent-centered normative theory, it suggests that the goal of morality is to develop one's personhood, where this can be understood as other-regarding character traits or virtues. Since other-regarding virtues, by definition, can only be developed in the context of community, it is easy to see why African personhood is rightly called a kind of *communitarian ethic*.¹

My aim is to home in on a specific version of personhood in order to critically evaluate what it implies about the permissibility of abortion. Instead of an account of personhood that is agent-centered and perfectionist in focusing on right action or character, I am interested in an account of personhood that is *patient-centered*, concerning *moral status*. The influential account I have in mind, located in the work of Motsamai Molefe, states that humans have moral status because they possess the capacity for sympathy (MOLEFE 2019; 2020; see also WIREDU 1992). On this account of moral status, it is tempting to think that abortion is impermissible because fetuses have the *potential* for the capacity for sympathy. The potentiality for the capacity for sympathy confers at least some moral status on the fetus, thereby guaranteeing it a right to life.

In Section 2, I attempt to tease out the strongest possible argument against the permissibility of abortion based on the patient-centered understanding of personhood as the capacity for sympathy. In Section 3, I show that this argument faces some serious challenges. First, it does not do enough to explain why the mere potential for the capacity for sympathy is valuable. Second, it fails to explain why partial moral status guarantees a fetus the right to life in all circumstances unless an extreme form of pacificism is assumed. Third, it does not do an adequate job of preserving the moral status of either disabled fetuses or adult humans who will never have the potential for the capacity for sympathy. In Section 4, I conclude that

¹ Other interpretations suggest it is a socially constructed concept that a community designates of an individual, but that it is not a moral theory, though it contains normative elements (see OYOWE 2021). For other conceptions of personhood, see KAPHAGAWANI 2004 and IKUENOBE 2006.

it is doubtful that any account of African personhood will be able to successfully show that abortion is *always* impermissible.

The Argument Against Abortion from Normative Personhood

The concept of normative personhood in African philosophy is one of the most popular conceptions of personhood, and it occupies the attention of numerous articles and multiple monographs (e.g., IKUENOBE 2006; MOLEFE 2019; OYOWE 2021). As with any highly theorized concept in philosophy, there are different interpretations of personhood that could be appealed to in order to critically evaluate the permissibility of abortion. Here, I choose to work with an account of personhood that says individuals have moral status in light of their capacity for sympathy (MOLEFE 2020). I appeal to this account not only because it arises from an influential African philosopher, but, more importantly, because it is about *moral status* and is therefore pertinent to questions about the moral permissibility of abortion. This makes it a useful heuristic for constructing the strongest possible case against abortion on the basis of African normative personhood.

According to this view, a person has moral status inasmuch as they have the capacity for sympathy. For Molefe, sympathy is the foundational virtue, and all of the other-regarding virtues rest on it. He writes that:

[A]ll other-regarding virtues associated with personhood are generated from and expressive of the foundational virtue of sympathy. Thus, instead of explaining a virtuous human being in terms of a grab-bag list of virtues like kindness, compassion, friendliness and generosity... we can now account for moral perfection in terms simply of sympathy. In this interpretation of matters, it follows that to possess personhood just is to be sympathetic; and the goal of morality is to develop this moral capacity. (MOLEFE 2020, 55)

Notice that attempting to construct the strongest case against abortion does not explain the scope that the argument covers (i.e., the specific

circumstances under which abortion is permissible or impermissible). To clarify, the argument I will construct defends the extremely strong conclusion that abortion is *never* permissible except in those cases where one is forced to choose between the life of the foetus and the life of the pregnant woman.² I develop an argument for such a strong conclusion because according to personhood as sympathy, “foetuses... have moral status since they possess the potential to develop the capacity for virtue (sympathy)[...] those entities that have the potential for the morally relevant ontological capacity only have partial moral status, which provides a sufficient ground to forbid abortion” (MOLEFE 2020, 70).³ The argument is therefore based on the fact that the foetus has (partial) moral status, just like some of the arguments against abortion in the Anglo-American tradition.

Now, those arguments against abortion in the Anglo-American tradition that say the foetus has (partial) moral status tend to claim this is so because it is a person. However, personhood in that context is meant to imply something like an inalienable right to life simply by virtue of being a human; it is not a normative concept in the same way that it is in the African literature. This shows why the most obvious objection to what has been said thus far is that normative personhood is a term about moral *achievement* and so one that comes in degrees and can only be strengthened throughout the normal course of one’s life. This means that by definition it is not something that can apply to a foetus. Though foetuses may be human persons, they are not normative persons in the relevant sense of the term. Thus, normative personhood cannot in fact be the basis of (partial) moral status of foetuses. But notice that this objection relies on an *agent-centered* version of personhood, which is perfectionist and says that agents must focus on developing their personhood by exercising other-regarding virtues, the primary one of which is sympathy.

² Following Michael Tooley, Molefe believes that “The fate of one [foetuses] seems to have direct implication for the other [infants] given that one is required to provide a non-arbitrary moral difference between a foetus and an infant” (2020, 69; see also TOOLEY 1972). However, I will focus only on the question of abortion, thus remaining silent on infanticide.

³ Part of Molefe’s own account involves defending a certain interpretation of Menkiti’s view of personhood (2020, 71). However, nothing in my analysis rests on agreeing with Molefe’s interpretation Menkiti.

Furthermore, there are clues within the analysis of personhood as sympathy, which suggest a possible response to this objection. According to personhood as sympathy, fetuses should be denied moral excellence, not moral status (MOLEFE 2020). The former is agent-centered, but the latter is patient-centered in being concerned about moral status:

The idea of personhood *qua* moral status does not assign moral value on the basis of moral performance. Rather, it assigns value—recognition respect—based on the mere fact that one possesses the relevant ontological features. Approaching matters in this way, the question of whether the young *qua* ‘its’ cannot participate in the moral drama of pursuing personhood becomes quite irrelevant; in fact, it does not even arise in relation to them. The crucial question is whether the young have the relevant ontological feature(s) that ‘qualify’ them to be members of the moral community. (MOLEFE 2020, 87)

While certain prominent personhood theorists, such as Ifeanyi Menkiti, imply it is the capacity for relationality that gives moral status, an alternative is that it is the capacity for sympathy (MOLEFE 2020; see also MENKITI 1984; 2004).⁴ If the latter is plausible, then “we can conclude that [...] fetuses[...] have moral status because they have the capacity for virtue (sympathy), or, more accurately, the *potential* for moral sympathy” (MOLEFE 2020, 90; emphasis mine). Though fetuses possess moral status:

[T]hey only have *partial* moral status; it is only normal adult human beings that have *full* moral status. As such, on this view, we can grant the young (zygotes, fetuses, infants and children) partial moral status because they only have the potential for moral virtue; and, we can grant normal adults full moral status—

⁴ Molefe observes that Kwame Gyekye 1992, 110 endorses this position too.

dignity—because they actually possess the capacity for sympathy. (MOLEFE 2020, 90)

According to Molefe, this implies that:

On the same logic, we can further observe that a foetus compared to the infant has less moral status given that the potential of the infant is higher than that of the foetus. In other words, in a situation where there is a trade-off between an adult and an infant, all things being equal, we ought to prefer the adult... The same conclusion applies between, for example, choosing between a mother and a foetus; all things being equal, we ought to prefer the mother since she has full moral status. (MOLEFE 2020, 90-91)

It is because an adult has the capacity for sympathy, instead of merely the potential for it, that it is typically more valuable than foetuses and infants.⁵

These considerations can be standardised into the following argument:

The Argument Against Abortion from Normative Personhood

- (1) If foetuses have (partial) moral status, then abortions for reasons other than saving the life of the pregnant woman are impermissible.
- (2) Foetuses have partial moral status.
Therefore,
- (3) Abortions for reasons other than saving the life of the pregnant woman are impermissible.

Call this ‘The Argument Against Abortion from Normative Personhood’ (or ‘The Argument from Personhood’). Though below I will ask questions about premise (1), the most obvious premise in need

⁵ The claim about infants is certainly more controversial than the one about foetuses, but I will not challenge Molefe on this issue here.

of defense is (2). Based on the above discussion, it can be defended with the following sub-argument:

The Argument for Value from Capacity:

- (4) Individuals who have the capacity for sympathy (i.e., for personhood) have full moral status (i.e., a dignity).
- (5) If an individual has the potential for the capacity for sympathy, then they have partial moral status.
- (6) Foetuses have the potential for the capacity for sympathy.
Therefore;
- (7) Foetuses have partial moral status.

Call this ‘The Argument for Value from Capacity’ (or ‘The Argument from Capacity’). Defending (4) would require an in-depth analysis of the concept of personhood that would take us too far afield. So, in what follows, I will simply assume that (4) is true. I will observe below, however, that there are challenges for appealing to partial moral status and potentiality, even if premise (4) is granted.

One of the most obvious challenges to the argument concerns its appeal to potential, thereby challenging (1). Consider what Mary Anne Warren writes about potentiality:

Suppose that our space explorer falls into the hands of an alien culture, whose scientists decide to create a few hundred thousand or more human beings, by breaking his body into its component cells, and using these to create fully developed human beings, with, of course, his genetic code. We may imagine that each of these newly created men will have all of the original man’s abilities, skills, knowledge, and so on, and also have an individual self-concept, in short that each of them will be a *bona fide* (though hardly unique) person. Imagine that the whole project will take only seconds, and that its chances of success are extremely high, and that our explorer knows all of this, and also knows that these people will be treated fairly. I maintain that in such a situation he would have every right to escape if he

could, and thus to deprive all of these potential people of their potential lives; for his right to life outweighs all of theirs together, in spite of the fact that they are all genetically human, all innocent, and all have a very high probability of becoming people very soon, if only he refrains from acting. (WARREN 1997 quoted in MOLEFE 2020, 91-92)

Yet, notice that Warren's case is about a scenario involving trade-offs; it does not inform us about what to do in cases where no trade-off between lives is necessary. Furthermore, even admitting that the mother is more valuable than the foetus "does not imply that the mother can do as she pleases with the foetus, her conduct is constrained by the partial moral status of the foetus, a status that it has in its own right because it has the relevant potential" (MOLEFE 2020). Showing that the mother should be saved in cases where a trade-off is forced does not entail that foetuses do not have (partial) moral value, nor does it show that abortion more generally is permissible.

A further question is about pregnancy that results from nonconsensual sex. Indeed, the way the above case is construed suggests that "Warren had in mind the case of unwanted pregnancy that comes about as a result of being raped. In the case of rape, the question becomes: should the woman, like the explorer, escape the unwanted pregnancy by aborting the foetus?" (MOLEFE 2020, 93). However, as the Argument from Personhood is constructed, it does not necessarily allow for pregnancies that result from rape to be terminated for two reasons. First, the moral status of the foetus is independent of how it came to be in the woman's body. This means that "[i]f the foetus does have moral status, this fact is sufficient to constrain and limit the options available to the woman" (MOLEFE 2020, 93).

Second, normative personhood is supposed to influence how a person acts, and so it:

[R]equires the agent to develop her capacity for sympathy, that is perfect herself to reach levels where she will exude those virtues associated with sympathy

such as care, love, sharing, forgiveness, friendliness and so on. The idea of personhood will require of the woman, in making decisions regarding how to respond to the unwanted pregnancy, that she act in ways that enhance the quality of her own character. If, indeed, a foetus has moral status then it should follow that an agent that is committed to moral perfection ought to value such a life by preserving it. The moral logic and attitude that informs the moral perfectionism associated with the idea of personhood will constrain the conduct of raped women differently. (MOLEFE 2020, 93-94)

It is possible that autonomy or something close to it is the liberal value affecting this analysis but that this value is understood differently in an African context. In such a case:

[I]n afro-communitarian(sic) thought, freedom and autonomy are understood in relational terms. Freedom and autonomy are not centrally concerned about independence and non-interference in pursuit of personal choice (SIAME 2000). By now, we also know that sympathy is attended by a huge number of other-regarding duties that moral agents owes (sic) towards things that have moral status. The freedom and choice of the pregnant woman will not be abandoned per se, but it will be strongly influenced by considerations related to personal-moral perfection. (MOLEFE 2020, 94)

This appears to recast autonomy not as the freedom to pursue one's own ends but as the freedom to pursue sympathy. This means that:

The stubborn insistence that she does not want or did not plan to have a child, that this pregnancy was foisted on her by rape, will not carry as much weight in a context where other-regarding duties are taken quite

seriously in the pursuit of moral excellence. (MOLEFE 2020, 94)

Notice that, in this discussion, Molefe shifts from the patient-centered version of personhood (moral status) to the agent-centered (perfectionist) in order to explain why it is impermissible for a woman to abort a foetus even when it is the result of nonconsensual sex. It is not just that the foetus's moral status is independent of how the pregnancy came about, but it is about how someone striving to develop their personhood (i.e., moral excellence) must treat beings that have (partial) moral status. Since the woman ought to be striving to develop her personhood, she needs to act sympathetically towards the foetus. Accordingly, she may not terminate the pregnancy.

I do not believe this points to any tension in Molefe's thinking about personhood. There is no conflict between what I have called the agent-centered and patient-centered understandings of personhood as sympathy. The former is about what humans are supposed to strive for, how they should act, etc., while the latter is about what makes a human valuable. In other words, they each answer a different set of questions about morality and are reasonably construed as different aspects of the same understanding of personhood as sympathy. So, I do not think this shift from patient-centered reasoning to agent-centering reasoning by Molefe is fatal to his argument. Having said that, even if one disagrees with Molefe here, it does not necessarily defeat the Argument from Personhood. Rather, it would just limit the scope of the argument to only applying to pregnancies that result from consensual intercourse. Indeed, below, I provide some reasons for thinking the scope of Molefe's argument is mistaken.

Problems for the Argument Against Abortion from Normative Personhood

In this section, I point to three serious problems in the Argument from Personhood. The first is that Molefe does not do enough to defend premise (2), the idea that potentiality can ground moral value. The second is that even granting premise (2), it assumes that if the foetus has (partial) moral status that it is guaranteed a right to life. But unless one is a universal pacifist, moral status does not guarantee anyone a universal right to life. So, premise (1) is false. The third is that the

patient-centered version of personhood as sympathy implies that those who will never have even the potential for the capacity for personhood lack any moral status. This shows an unwanted implication of the argument, even if it is otherwise sound.

Potentiality as the Grounds of (Partial) Value

Molefe should do more to defend the value of potentiality, which is the concept he uses to ground the moral status of fetuses. For example, Michael Tooley has famously offered the Kitten Serum case to show that if you could giving a kitten a serum that would make it develop a human adult brain, giving it the potential to be a person, not only is there nothing wrong refraining from giving the kitten the serum, but there is nothing wrong with killing the kitten (TOOLEY 1972). Just because it is possible to initiate a process that would give the kitten something that would cause it to eventually possess properties that would give it a right to life does not entail that prior to that it has a right to life. The fact that it is even possible to initiate such a process does not mean that killing newborn kittens is wrong (TOOLEY 1972). Likewise, if it is not wrong to fail to initiate such a process, then interfering with that process cannot be wrong either.

Tooley argues that this is analogous to the case of taking the life of a fetus that will eventually develop a certain set of properties that will give it a right to life (e.g., for Molefe, the capacity for sympathy) but that it currently does not possess. The value of a thing is distinct from its potential. (TOOLEY 1972). Alternatively, there are cases similar to Warren's that do *not* require trade-offs. Suppose that any of my skin cells could be used to successfully generate a clone of myself (see METZ 2022, 155). This could be done at no harm to myself, requiring no trade-off in lives. Yet it is doubtful that these skin cells have moral value despite having the potential for the capacity for sympathy.

These ideas challenge premise (2) of the Argument from Personhood and premise (5) of the Argument from Capacity. Molefe has not done enough to show that the foetus has (partial) moral status based on potentiality, especially given that the only time he addresses

the issue, he has trade-offs in view. Completing his argument involves defending the value of potentiality when trade-offs are not in view.⁶

Thomson's Violinist and the Capacity for Sympathy

Another problem with the Argument from Personhood is that, as it stands, premise (1) has not been defended; it is simply assumed that having (partial) moral status is a guarantee of the right to life. Furthermore, it is interesting that much of the debate over abortion in the Anglo-American literature turns on the question of personhood, albeit of a different kind than one finds in the African literature. The fundamental question for Molefe seems to be whether foetuses have the potential for the capacity for normative personhood. If that potential can be established, then the impermissibility of abortion is secured. Since a foetus cannot have the actual capacity for sympathy, appealing to potentiality is a way of showing how moral status can still attach to a foetus on the basis of personhood as sympathy. The problem is that establishing that a foetus has moral status *does not* show that abortion is impermissible.⁷

This point can be made by appealing to Judith Thomson's seminal paper, "A Defense of Abortion," one of the most widely cited and anthologized articles in the contemporary Anglo-American literature on abortion (1971).⁸ Thomson assumes that the foetus is a person (in the Anglo-American sense) and thus is a human with all of the entitlements of adult humans, including being the possessor of full moral status. Though how moral status is explained differs from the Argument from Personhood, her account is still instructive because it will apply to any argument claiming that, because foetuses have (partial) moral status, abortion is impermissible. So, her conclusion

⁶ For more on potentiality in the Anglo-American literature on abortion (see ANNIS 1984; BIGELOW and PARGETTER 1988; FEINBERG 1986).

⁷ Perhaps, unless one endorses an extreme form of pacificism.

⁸ Now, the reader may well doubt that Molefe or other authors working within the African tradition are obligated to cite work in the Anglo-American tradition. I do not think it is always necessary, but I do believe that, in this case, doing so is a helpful example of the benefits of cross-cultural philosophical dialogue. Furthermore, in his chapter on euthanasia in the same book, Molefe cites Thomson's article, "Killing, Letting Die, and the Trolley Problem" (1976). So, he is well aware of work in bioethics in the Anglo-American tradition, including the work of Thomson.

will apply to the Argument from Personhood. Here is the well-known case Thomson uses:

You wake up in the morning and find yourself back to back in bed with an unconscious violinist. A famous unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still, they did it, and the violinist now is plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you." Is it morally incumbent on you to accede to this situation. (THOMSON 1971, 48-49)

The point that Thomson is making is that in certain cases of pregnancy, the woman has not consented to the foetus using her body's resources for nine months, and so it is permissible for her to *detach* herself from the foetus. This is so even knowing the foetus will not survive being detached (and perhaps provided that the goal is to detach herself, not to kill the foetus). This is also so even if the foetus is a person with full (or partial) moral status. Her reason for using a case with a fully formed adult instead of a foetus is to emphasize this point. Thomson suggests that it is permissible for a pregnant woman to detach herself from the foetus when she has not consented to the pregnancy, and so in cases where the sexual intercourse was not consensual, but also in those when the pregnancy results from

intercourse when contraception is used.⁹ My aim here is not to issue a verdict on Thomson's argument. Instead, it is to observe that it shows a flaw in the Argument from Personhood in that it fails to appreciate the fact that demonstrating a foetus has full moral status, let alone partial moral status, does *not* on its own show that abortion is impermissible in every scenario (or more carefully, that it is impermissible for a pregnant woman to detach herself from the foetus).

By way of possible rejoinder, one might shift to the agent-centered conception of personhood as Molefe does when discussing pregnancies that result from nonconsensual sexual intercourse. Why not hold that the considerations Molefe raises there also apply in the Violinist case? A woman ought to act sympathetically to a foetus that has (partial) moral status and so ought not to abort it. Briefly, however, here are two reasons to doubt that this strategy can rescue the argument.

First, though self-regarding duties are not typically posited by moral philosophers working in the African tradition, there are grounds for holding that Molefe believes such duties exist.¹⁰ For him, the community plays a causal role in developing personhood, it is not constitutive of it (MOLEFE 2019). The best way to develop personhood is in the context of community, but personhood is not constituted by those relationships (MOLEFE 2019).¹¹ Molefe asks the reader to:

[S]uppose one can either pay for their own educational fees or they can use money to advance themselves educationally (this example must be imagined in the context of a trade-off). On the perfectionist egoistic view, the agent does well by investing the money in her own education for the sake of developing herself. (MOLEFE 2019, 60)

⁹ Whether consensual sex where contraception is used amounts to tacit consent to the possibility of pregnancy is not a topic I am going to address here.

¹⁰ For a recent defense of self-regarding duties in the African tradition, though one that is sceptical that personhood can ground them, (see Metz 2025).

¹¹ See Loughheed (2022) for some criticisms of this view.

This suggests that there is a self-regarding duty to act sympathetically towards oneself. If this is so, it could provide at least some reason not to remain attached to a pregnancy that you did not consent to and will derail your life pursuits for at least the next nine months. That the foetus has partial moral status does not change this fact.

Second, while self-regarding duties may not be popular in the African moral tradition, the same cannot be said of special obligations. The African moral tradition often says “family first” or that “charity starts in the home” with special duties owed first and foremost to one’s immediate family, followed by extended family and close friends (see METZ 2022, 117). To stick to Thomson’s case, it is true that one should act sympathetically towards the Society of Music Lovers. However, you have much stronger ties and hence duties to act sympathetically toward your family and close friends. Indeed, Molefe is explicit that personhood entails special obligations when he explains that “a *person*, all things being equal, ought to start the dispensing of their moral duties with their special relations... the emphasis [is] on other-centred partiality” (MOLEFE 2019, 86; see also WIREDU 1992. For Molefe, personhood implies *partiality*. He believes that “the agent in dispensing other-regarding duties *must prioritise her special relationships*” (MOLEFE 2019, 86; emphasis mine). Molefe is careful to note that partiality does not imply that there are no duties outside of one’s special relationships; instead, the idea is that one’s duties begin first and foremost with special relationships. If remaining plugged into the violinist for nine months would cause your family and friends to suffer, then this is a reason that justifies unplugging yourself. By analogy, this applies to a pregnant woman. Again, this is so even if the foetus has moral status.

I do not take this discussion to be definitive. My point is just that switching to agent-centered perspective and discussing what the woman must do in order to develop her sympathy does not automatically land in support of Molefe. The issue is admittedly complex and warrants consideration in future research. Finally, unlike the objection in the section above, notice that this objection is about the *scope* of the Argument from Personhood. It demonstrates that abortion is not impermissible in *every* case. The argument could still show that abortion is impermissible in pregnancies that are the result of consensual sexual intercourse.

The Status of the Severely Disabled

Recall that on the patient-centered version of personhood as sympathy in view, persons with the capacity for sympathy have full moral status (i.e., a dignity), while foetuses have partial moral status because they have the potential for the capacity for sympathy. This raises the question about those humans who have neither the capacity nor the potential for the capacity for sympathy. On the one hand, an individual attempting to exercise and develop their personhood (i.e., from the agent-centered view) should respond sympathetically to non-human animals and those humans with intellectual disabilities (MOLEFE 2020)). This means that “if morality in the discourse of personhood revolves around other-regarding virtues generated by and related to sympathy, it would be strange to limit the value of such a moral emotion and action only to human beings” (MOLEFE 2020, 96)

The suggestion is that again shifting to the agent-centered view of personhood can help because it implies that those humans who lack the potential for the capacity for sympathy can be the *objects* of sympathy. Or more precisely, they can be the objects of sympathetic relationships (MOLEFE 2020). Belonging to the community and being able to relate with others, even if only as the object of their sympathy, confers partial moral status. Notice that partial moral status has already been assigned to those with the potential for the capacity for sympathy, so this implies a further subdivision within the category of partial moral status. The ranking is such that “a normal adult has full moral status; foetuses, infants and children have partial moral status; and mentally disabled individuals and most animals will have lower moral status” (MOLEFE 2020, 97).

This appeal to the agent-centered view might go some of the way towards answering the concern about the moral status of severely disabled persons, but it still leaves some questions. One of them is whether this view is susceptible to the Sheriff case and others raised against utilitarianism and other consequential moral theories. The worry in that case is that it is permissible to sacrifice one innocent human to save many other humans. This challenge is even more poignant for Molefe because, for him, the severely disabled person does *not* have the status of a normal adult human. Does its ‘lower moral status’ imply, say, that its organs cannot be harvested in order to save the lives of five adult humans with full moral status? Why not?

Though intuitions might vary here, I suspect many think it would be permissible to kill and harvest the organs of a dolphin, or a killer whale, or a chimpanzee if doing so would save the lives of many humans. What if harvesting the organs of a severely disabled person could save ten adults? What about one hundred? Molefe's view also appears to have implications for the permissibility of elective abortions where it has been determined that the foetus will be severely disabled and only ever be able to be the object of sympathy. Can a woman terminate a pregnancy if it is known that the foetus will only ever have this 'lower moral status' and does have the potential for the capacity for sympathy?

Moving away from the pregnancy case, we can further imagine cases where a severely disabled human is in a permanently vegetative state, such that they are not conscious and cannot experience pain. If it is important to preserve the moral intuition that such persons have (partial) moral status, personhood as sympathy does not offer very many clues regarding how to go about doing it. Furthermore, although I acknowledge that intuitions will probably vary, this view also implies that human adults with certain intellectual disabilities are less valuable than a day-old zygote composed of two cells, provided such zygotes become healthy foetuses, etc. This is because the zygote has the *potential* for the capacity for sympathy while the disabled adult never will have it. Many of us may well find this counterintuitive or at least want more explanation about why we should accept this verdict.

My point is just that personhood – and certainly the account of personhood I have focused on here – lacks the conceptual resources to defend the claim that those with severe intellectual disabilities have partial or full moral status or that foetuses with such disabilities have an unambiguous right to life (or at least the same right to life as healthy foetuses, whatever that may be, etc.). This is not an objection to any of the premises in the Argument from Personhood. Rather, it points to an unwanted implication of the argument, suggesting that perhaps a different concept needs to be employed when thinking about abortion.

Conclusion

Normative personhood is one of the most theorised about concepts in African philosophy, sometimes presenting a theory of right action or

of moral value. In seeking out what personhood tells us about the permissibility of abortion, I chose to home in on an influential theory of personhood that is patient-centered and hence about moral status. This account of personhood says that humans with full moral status possess the capacity for sympathy, while those with partial moral status have the potential for the capacity for sympathy. This furnishes an argument against abortion since (most) foetuses have the potential for the capacity for sympathy. However, there are counterexamples to thinking potentiality can ground value that do fundamentally involve trade-offs. A successful version of this argument needs to spend more time addressing such objections and defending potentiality. I also suggested that personhood as sympathy cannot be used to ground a universal prohibition against abortion (except in cases where the life of the mother is threatened). This is because, in order to do so, it needs to be shown why (partial) moral status always guarantees a right to life. It is difficult to see what resources there are in personhood as sympathy to respond to the counterexample by Thomson. Furthermore, shifting the discussion to the agent-centered approach to personhood that focuses on developing one's sympathy does not provide an obvious way out. Personhood as sympathy *might* imply self-regarding duties, and it certainly implies special obligations to one's family and close friends. Even if the foetus has (partial) moral status, the agent-centered version of personhood offers no guarantee of the right to life, at least not in those cases where the pregnancy is the result of nonconsensual sexual intercourse. It would also be helpful to know more about why moral value, as the potential for or actual capacity for sympathy, does not imply the counterintuitive view that humans who will never have even the potential for the capacity lack moral value. Molefe claims that they have a 'lower moral status' but the implications of this are not sufficiently teased out for it to be meaningfully informative.

In sum, the Argument from Personhood does not explain why the potential for the capacity for sympathy is valuable enough to ground the right to life. It also does not explain why, even if potentiality can ground value, that doing so is a guarantee of the right to life. Finally, it also fails to explain why those humans (and/or foetuses) who will never have even the potential for the capacity for sympathy have any moral status at all. Molefe and others seeking to

argue against the permissibility of abortion by appealing to this influential account of personhood need to address these concerns.

I do not for a moment claim that this is the only account of normative personhood on offer. However, given the common emphasis on agent-centered normative personhood as a moral achievement, I am doubtful that appealing to a different account will be helpful in securing a universal prohibition against abortion. This is because those accounts do not always have clear implications for the value of fetuses. The agent aiming for perfection by developing their personhood presumably needs to know their value in order to know how to treat them.

Though there may well be other resources in African moral philosophy, particularly those that appeal to the normative implications of life force or vitalism, that can be used to ground a universal prohibition against abortion. I am doubtful of the prospects of any version of African normative personhood being able to do so.

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